

ASHLEY CREEK DISTRIBUTION SYSTEM
61 EAST MAIN
Vernal, Utah
84078

Don

March 29, 1977

RECEIVED
MAR 30 1977
WATER RIGHTS

David Murray, President
Mosby Irrigation Company
Lapoint, Utah 84039

Dear David:

Re: Deep Creek

It has come to my attention that Mosby Irrigation Company lacks direction on the Blanchett Park Diversion from me.

It may be helpful if you would invite me to your meetings if you feel you don't understand your water right or like the manner in which distribution is handled.

I would like to direct your attention to a letter sent to the Company President in 1976, a copy of which was sent to your attorney, Joe Novak, wherein the Mosby Irrigation Company was requested to level up your measuring device in the Mosby Canal and install a staff gauge on it. It was also pointed out that the Company had the headgate locked open, making an adjustment impossible without breaking the chain.

Due to the inaccessability of Blanchett Park, daily or even weekly visits by me are out of the question. The water rights are very well defined in the Supplemental Decree to Civil #18 and have been in effect since Judge Joseph Nelson signed the supplement on August 28, 1964.

For your and the company's information the following is the basic provision of the supplement:

1. That Mosby Irrigation Company be, and it is hereby awarded the first and prior right to divert and use from the natural flow waters of Dry Fork Creek at Blanchett Park as follows:
 - (a) Thirty (30) cfs. of water during the months of May and June, inclusive, of each year:
 - (b) Twenty (20) cfs. of water during the month of July each year: and
 - (c) Ten (10) cfs of water during the months of August, September, and October, inclusive, of each year.

The quantities of water here in above provided for shall be measured at the point of diversion from Dry Fork Creek into Mosby Canal at Blanchett Park.

For your added information, provisions #6, 7 and 9 of Civil #18, now known as Civil #3197 are quoted below.

6. That said Commissioner shall distribute the waters of said Ashley Creek at the weirs or points of diversion heretofore constructed by the respective parties and approved by this Court and where the said parties do not have proper weirs and measuring devices, it is hereby ordered that they shall install the same in a manner to be approved by the said Commissioner, which said devices shall be mechanical and constructed in a manner that they will shut off the waters of the respective ditches and canals when directed by the Commissioner.

7. It is further ordered that each party hereto shall at his or its own expense install a Parshall Flume or other measuring device at the head of his or its ditch at a place and in a manner to be approved by the Commissioner.

9. The Commissioner and his deputies are hereby ordered and directed that in the event any of the parties hereto fail to comply with this Order, to shut off the water of the said party and report the failure to this Court; and such party shall not be permitted the use of any of the waters of Ashley Creek and its tributaries until further order of this Court.

With all of the information in mind, I again wish to request that the Company get their Parshall Flume installed properly with a staff gauge installed.

If it seems necessary to lock the headgate, the Company must provide me with a key or use one of my locks on the headgate.

Adjustments will be made at the beginning of each time period when the amount of water changes. (May 1, July 1, and August 1). Periodic checks will be made at the discretion of the Commissioner or request of other involved water users of Dry Fork Creek.

I also recommended that a continuous recorder be installed at the weir in Blanchett Park. If the Company can co-operate

and avoid unauthorized adjustments of the Blanchett Park headgate, this may not be necessary at this time.

I trust that this information will be of some help to you and I will be happy to attempt to answer any questions you may have concerning my efforts in distribution of the waters of Ashley Creek.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Rasmussen", with a long horizontal flourish extending to the right.

David Rasmussen,
Commissioner Ashley Creek

DR:ck

CC: Lynn Mecham
Joe Novak
Boy Guy
Donald C. Norseth